

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR447
)	
vs.)	ORDER
)	
ROGELIO RIOS-LOPEZ and)	
VICTOR JOSE BARRAZA CAZARES,)	
)	
Defendant.)	

This matter is before the court on the motion to continue trial by defendant Rogelio Rios-Lopez (Rios-Lopez) (Filing No. 83). Rios-Lopez seeks a continuance of the trial past the scheduled May 31, 2005 trial date. A waiver has been filed wherein the defendant acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 84). Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Rios-Lopez's motion to continue trial (Filing No. 83) is granted.
2. Trial of this matter is scheduled for **June 20, 2005**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 9, 2005 and June 20, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 9th day of May, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge